



Entered on Docket
October 31, 2007

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Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

**USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC.**

**USA CAPITAL FIRST TRUST DEED
FUND, LLC.**

USA SECURITIES, LLC,
Debtors

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

Date of Hearing: October 15, 2007
Time of Hearing: 9:30 a.m.

Affects:

- All Debtors
 - USA Commercial Mortgage Company
 - USA Capital Realty Advisors, LLC
 - USA Capital Diversified Trust Deed Fund, LLC
 - USA Capital First Trust Deed Fund, LLC
 - USA Securities, LLC

1 **ORDER SUSTAINING THE USACM LIQUIDATING TRUST'S OBJECTION TO**
2 **CLAIM NO(S). 10725-00638 FILED BY ROY R. AND NANCY B. VENTURA AS**
3 **IMPROPERLY ASSERTING SECURED STATUS**

4 Roy R. and Nancy B. Ventura filed Proof of Claim No(s). 10725-00638, which
5 asserted a secured claim(s) against USA Commercial Mortgage Company ("USACM").

6 The USACM Liquidating Trust (the "USACM Trust") filed its Twenty-Seventh
7 Omnibus Objection [DE 3185] (the "Objection"), which challenged Roy R. and Nancy B.
8 Ventura's assertion of secured status and sought to have the Court reclassify Roy R. and
9 Nancy B. Ventura's claim(s) as a general unsecured claim(s). The Appropriate notice of
the Objection was given.

10 Roy R. and Nancy B. Ventura filed a Response to the Objection [DE 3426].

11 The USACM Trust filed its Motion for Summary Judgment Regarding (1)
12 Responses to the USACM Trust's First Through Thirty-Third Omnibus Objections to
13 Claims Asserting a Secured Status; (2) Responses to USACM Trust's First through Third
14 Omnibus Objections to Claims Asserting a Priority Status; and (3) Newly Alleged Secured
15 and Priority Claims (the "Motion") [DE 4291]. The Motion sought summary judgment on
16 the Objection and asked that the Court sustain the Objection. Appropriate notice of the
17 Motion was given to Roy R. and Nancy B. Ventura.

18 Roy R. and Nancy B. Ventura did not respond to the Motion.

19 The Court heard the Motion on October 15, 2007. Roy R. and Nancy B. Ventura
20 did not appear at the hearing to contest the Motion.

21 Based upon the foregoing and good cause appearing,

22 **IT IS HEREBY ORDERED:**

23 1. Granting the Motion [DE 4291] as it relates to Proof of Claim No(s). 10725-
24 00638 filed by Roy R. and Nancy B. Ventura;

25 2. Sustaining the Twenty-Seventh Objection [DE 3185] as it relates to Proof of
26 Claim No(s). 10725-00638 filed by Roy R. and Nancy B. Ventura; and

1 3. Reclassifying Proof of Claim No(s). 10725-00638 filed by Roy R. and
2 Nancy B. Ventura as a general unsecured claim(s) subject to further objection by the
3 USACM Liquidating Trust.

4 # # #

5 PREPARED AND SUBMITTED:

6 **LEWIS AND ROCA LLP**

7 By: /s/ RC (#0006593)
8 Susan M. Freeman (pro hac vice)
9 Rob Charles
10 John Hinderaker (pro hac vice)
11 *Attorneys for USACM Liquidating Trust*

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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 The Court waived the requirements of LR 9021.
- 4 I have delivered a copy of this proposed order to all counsel who appeared at the
5 hearing, any unrepresented parties who appeared at the hearing, and any trustee
6 appointed in this case, and each has approved or disapproved the order, or failed
7 to respond, as indicated below:
- 8 approved the form of this order;
- 9 waived the right to review the order;
- 10 failed to file and serve papers in accordance with LR 9021(c); and/or
- 11 failed to sign and return this proposed order within five (5) business days
12 in accordance with LR 9021(b).
- 13 I have delivered a copy of this proposed order to all attorneys and unrepresented
14 parties who appeared at the hearing regarding this matter and/or who filed a
15 written objection and all have either approved the form of this order, waived the
16 right to review the order, failed to file and serve papers in accordance with LR
17 9021(c) and the following have disapproved the form of the order.
- 18 No opposition was filed and no other party or counsel appeared at the hearing.

19 **LEWIS AND ROCA LLP**

20 By: /s/ RC (#0006593)

21 Susan M. Freeman

22 Rob Charles

23 *Attorneys for USACM Liquidating Trust*